

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

December 7, 2010

No. 10-3000

LISA LIBERI, et al.

v.

ORLY TAITZ, et al.
(E.D. Pa. No. 2-09-cv-01898)

FILED
DEC 10 2010
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

Present: JORDAN, GREENAWAY, JR. and WEIS, Circuit Judges

Motion by Appellees Evelyn Adams, Philip J. Berg, Go Excel Global, Law Office of Philip J. Berg, Lisa Liberi and Lisa M. Ostella for an Emergency Temporary Restraining Order against Appellants, their witness, Geoff Staples, and anyone on their behalf, requesting the following:

- a. Enjoining them from further cyber-stalking, harassment, intimidation and retaliation, using Appellee Lisa Liberi's name fraudulently and illegally; and illegal activities directed at Appellee Lisa Liberi or any of the Appellees;
- b. For the removal and deletion of a website fraudulently set-up in Appellee Lisa Liberi's name;
- c. The deletion and removal of all Email addresses fraudulently set-up and any other Email addresses illegally using the name of Appellee Lisa Liberi;
- d. The removal of Appellee Lisa Liberi's picture from the Internet.

Respectfully,
Clerk/AWI

Case Listed for 02/09/2011.

ORDER

The foregoing Emergency Motion for Temporary Restraining Order, including a request for relief in the nature of mandamus, is DENIED. Appellees have not demonstrated entitlement to extraordinary relief in this Court. While the District Court has directed that all future motions be filed in this Court, it is appropriate for the District Court to consider this Motion in the first instance. Appellees state that they sent a letter by facsimile to the District Judge's Chambers. However, this informal request did not properly preserve or advance their rights. Even assuming that the issues raised by Appellees in the present Emergency Motion for Temporary Restraining Order are related to this appeal, an assumption that is not easily made, it is nevertheless appropriate in this case for the Appellees to first formally apply to the District Court for relief. Accordingly, the Motion is remanded to the District Court to allow Appellees to file their request in the District Court. The District Court may then determine whether relief is warranted or whether the dispute outlined in the Motion actually represents a separate dispute that should be handled in a separate action in a court with the necessary jurisdiction and venue.

By the Court,

/s/ Kent A. Jordan
Circuit Judge

Dated: 10 December 2010



Teste: *Marcia M. Waldron*

Clerk, U.S. Court of Appeals for the Third Circuit